

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CASSANDRA JACKSON,) Case No. 1:17-cv-335
Plaintiff,) Judge Travis R. McDonough
v.) Magistrate Judge Susan K. Lee
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)

ORDER

On October 9, 2018, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 22) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that:

- Plaintiff's motion for summary judgment (Doc. 18) be **GRANTED IN PART** to the extent it seeks remand to the Commissioner and **DENIED IN PART** to the extent it seeks an award of benefits.
- Commissioner's motion for summary judgment (Doc. 20) be **DENIED**.
- Commissioner's decision denying benefits be **REVERSED AND REMANDED** for further proceedings consistent with Magistrate Judge Lee's report and recommendation.

Neither party has filed objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has conducted a reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

Accordingly:

- Plaintiff's motion for summary judgment (Doc. 18) is hereby **GRANTED** **IN PART** to the extent it seeks remand to the Commissioner and **DENIED IN PART** to the extent it seeks an award of benefits.
- Commissioner's motion for summary judgment (Doc. 20) is **DENIED**.
- Commissioner's decision denying benefits is **REVERSED AND REMANDED** for further proceedings consistent with Magistrate Judge Lee's report and recommendation (Doc. 22).

SO ORDERED.

/s/ *Travis R. McDonough*

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

¹ Magistrate Judge Lee specifically advised Ms. Jackson that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 22, at 17 n.9); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.